

HOUSE CONCURRENT RESOLUTION NO. 1017

A CONCURRENT RESOLUTION, Urging a finding by the United States Fish and Wildlife Service that the black-tailed prairie dog is not likely to become an endangered species.

WHEREAS, on December 2, 2008, the United States Fish and Wildlife Service (USFWS) issued a ninety-day finding on a petition to list the black-tailed prairie dog as threatened or endangered pursuant to the Endangered Species Act (ESA); and

WHEREAS, the USFWS found that the petition presented substantial scientific or commercial information indicating that listing the black-tailed prairie dog may be warranted; and

WHEREAS, the ESA defines a "threatened species" as a species that "is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range"; and

WHEREAS, in 1961, the United States Bureau of Fisheries and Wildlife estimated there were 364,000 acres of black-tailed prairie dog acres in the entire United States; and

WHEREAS, the most recent census of black-tailed prairie dog acreages conducted in 2007 estimated that there were 2,100,000 occupied acres in the United States, including 625,410 acres in South Dakota; and

WHEREAS, the USFWS found that "rangewide and statewide trends for area of black-tailed prairie dog occupied habitat appear to be increasing since the low point following a half century of coordinated rangewide control efforts" (73 Fed.Reg. 73214); and

WHEREAS, the petition of environmental groups requesting the listing claims that sylvatic plague threatens the existence of the black-tailed prairie dog population, even though the petition states that the plague has infected large portions of the prairie dog populations on the Comanche, Cimarron, Kiowa, Pawnee, Thunder Basin, Buffalo Gap, and Rita Blanca National Grasslands; and has also been documented in Bent County, Fort Carson, Pinon Canyon, and the Rocky Mountain National Arsenal in Colorado; the Charles M. Russell National Wildlife Refuge and the Crow and Fort Belknap Indian Reservations in Montana; and Federal Bureau of Land Management lands in Montana and Colorado; with none of the populations cited becoming extinct and conceding that many have rebounded to preplague population numbers; and

WHEREAS, although the plague has infected prairie dog populations on more than 10,000 acres on the Buffalo Gap National Grasslands in South Dakota, the geographic areas impacted by plague before 2008 are already experiencing prairie dog population increases; and

WHEREAS, the United States Forest Service efforts of dusting prairie dog burrows on the Buffalo Gap National Grasslands in South Dakota with insecticide has been effective in curtailing the spread of plague to the other 30,000 prairie dog occupied acres in and around the Conata Basin; and

WHEREAS, in 2005, the South Dakota Legislature enacted the South Dakota Black-Tailed Prairie Dog Conservation and Management Plan setting forth goals, objectives, and strategies designed to provide for the long-term viability of the prairie dog population in South Dakota; and those goals have been and are currently being achieved:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-fourth Legislature of the State of South Dakota, the Senate concurring therein, that the South Dakota Legislature finds that the substantial scientific or commercial information demonstrates that the black-tailed prairie dog population has been increasing for the past four decades; and

BE IT FURTHER RESOLVED, that the Legislature finds that the black-tailed prairie dog has not become extinct in any of the areas that have been infected with sylvatic plague in modern times, and the black-tailed prairie dog population is already increasing in areas outside the Conata Basin that were affected by plague before 2008; and

BE IT FURTHER RESOLVED, that the Legislature respectfully requests that the United States Fish and Wildlife Service makes a twelve-month finding pursuant to the Endangered Species Act that the black-tailed prairie dog population is increasing, in spite of the sylvatic plague outbreaks, and therefore, is not likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range as required by the Endangered Species Act for a threatened or endangered listing.

Adopted by the House of Representatives,
Concurred in by the Senate,

March 6, 2009
March 10, 2009

Timothy A. Rave
Speaker of the House

Karen Gerdes
Chief Clerk of the House

Dennis Daugaard
President of the Senate

Trudy Evenstad
Secretary of the Senate